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*Counsel for Plaintiff and the putative class*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DAVID TRINDADE, individually and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

REACH MEDIA GROUP, LLC, a Delaware  
limited liability company,

*Defendant.*

Case No. 5:12-cv-04759 (PSG)

**PLAINTIFF'S REQUEST FOR ENTRY OF  
DEFAULT AGAINST REACH MEDIA  
GROUP, LLC**

Judge: Honorable Paul Singh Grewal  
Action Filed: September 12, 2012

REACH MEDIA GROUP, LLC, a Delaware  
limited liability company,

*Third-Party Plaintiff,*

v.

RYAN LENAHAAN, individually, KYLE  
DANNA, individually, and EAGLE WEB  
ASSETS INC., an Illinois corporation,

*Third-Party Defendants.*

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, Plaintiff David Trindade  
3 (“Trindade” or “Plaintiff”), by and through his undersigned counsel, hereby respectfully requests  
4 that the Clerk of the Court enter a default against Defendant Reach Media Group, LLC (“RMG” or  
5 “Defendant”), in this matter. In support of the instant request, Plaintiff Trindade states as follows:

6 1. Trindade filed his putative class action complaint (the “Complaint”) in this Court on  
7 September 12, 2012, and thereafter served Summons and the Complaint on Defendant RMG. (Dkt.  
8 1.)

9 2. In his Complaint, Trindade alleges, individually and on behalf of a nationwide class  
10 of similarly situated individuals, that RMG repeatedly made (or directed to be made on its behalf)  
11 unsolicited text message calls to consumers in an effort to drive them to information collection  
12 websites and online payday loan offers, in violation of the Telephone Consumer Protection Act, 47  
13 U.S.C. § 227, *et seq.* (the “TCPA”). (*Id.*)

14 3. On October 4, 2012, Defendant RMG appeared in this action through counsel. (Dkt.  
15 5.)

16 4. On November 1, 2012, RMG answered Plaintiff’s Complaint. (Dkt. 17.)

17 5. Shortly thereafter, on November 15, 2012, Defendant filed a cross-complaint against  
18 Ryan Lenahan and Kyle Danna, in their individual capacity, as well as against the entity Eagle Web  
19 Assets, Inc. (the “Third-Party Complaint,” and the “Third-Party Defendants,” respectively). (Dkt.  
20 22.)

21 6. In response, on January 11 and January 18, 2013, the Third-Party Defendants filed a  
22 motion to dismiss, as well as a separate motion strike, the Third-Party Complaint, respectively, and  
23 in the following months, RMG and the Third-Party Defendants continued to litigate their claims  
24 against each other. (*See generally* Dkts. 38-48.)

25 7. On November 7, 2013, RMG’s counsel moved for leave to withdraw as counsel of  
26 record, explaining that “RMG ha[d] knowingly and freely consented to DLA Piper’s withdrawal in  
27  
28

1 this matter.” (Dkt. 70.) The Court granted counsel’s request to withdraw the next day. (Dkt. 71.)

2 8. Since counsel’s withdrawal, no further appearances have been made on behalf of  
3 RMG, and RMG has not indicated that it intends to retain further counsel or to defend itself in this  
4 matter.

5 9. On December 17, 2013, the Court held a status conference. During the conference,  
6 Plaintiff’s counsel informed the court of the above-described events and circumstances, and further  
7 explained that as a result, Plaintiff intended to seek a default against RMG. (Dkt. 75.) Since that  
8 time, RMG has made no effort to communicate with Plaintiff’s counsel or otherwise engaged in the  
9 litigation of this matter.

10 10. Accordingly, and as previously explained to the Court, because RMG has failed to  
11 defend this matter, and similarly has not indicated any intention to defend in the future, good cause  
12 exists for the entry of a default against it pursuant to Fed. R. Civ. P. 55(a).

13 **WHEREFORE**, Plaintiff David Trindade, by and through his undersigned counsel, hereby  
14 respectfully requests that the Clerk of the Court enter a default against Defendant Reach Media  
15 Group, LLC in this action.

16 Respectfully submitted,

17 **DAVID TRINDADE**,

18 Dated: January 16, 2014

By: /s/ Benjamin H. Richman

One of Plaintiff’s Attorneys

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